

REMARKS

The Examiner's communication dated April 18, 2005 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Specifically, claims 1, 4, 5, 29, and 37 have been amended and claim 28 has been cancelled. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of the Office Action

Claim 29 was objected to for a minor informality.

Claims 1-5, 7-11, 28 and 37-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bourne (U.S. Patent No. 4,365,831) in view of Tweedy (U.S. Patent No. 6,606,889).

Claims 6, 29-36 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bourne in view of Tweedy as applied to claims 1, 28 and 37 above, and further in view of Worley, Jr. et al. (U.S. Patent No. 1,592,405).

Claim Objection(s)

Claim 29 has been carefully amended to resolve the claim objection(s) noted by the Examiner.

The Claims Distinguish Patentability Over the Reference(s) of Record

Amended **claim 1** calls for a locking device on a door. The locking device locks a latch in a latch closed position when the locking device is enabled. The locking device is positioned to be engaged by the latch when enabled to thereby obstruct movement of the latch and lock the latch in the latch closed position. Applicant submits that none of the references of record, alone or in combination with one another, disclose or fairly suggest such a locking device. Tweedy discloses lock cylinder 45 that engages a trigger 33 to lock the trigger. Locking the trigger 33 has the effect of locking a handle 24. However, the lock cylinder 45 is not positioned to be engaged by the handle 24 to obstruct movement of the

handle 24. The trigger 33 cannot be said to be the locking device because claim 1 also calls for a latch trigger, in addition to a latch and a locking device which is positioned to be engaged by the latch. Worley adds nothing because Worley discloses a latch 23 that includes a throughhole for receiving a lock. There is no locking device adjacent a latch in Worley.

Accordingly, for at least these reasons, Applicant submits that claim 1 distinguishes patentably over the references of record.

As indicated above, dependent **claim 3** was rejected as being unpatentable over Bourne and Tweedy. Claim 3 calls for a tab extending from the door of claim 1 to have a throughhole for receiving an arm of a lock. Applicant submits that neither of references used to reject claim 3 (namely, Bourne and Tweedy) disclose, alone or in combination with one another, a tab extending from a door and having a throughhole for receiving an arm of a lock. Further, on page 4 of the Office Action, the Examiner concedes that “[n]either Bourne nor Tweedy discloses that the locking device includes a tab extending upwardly from the door and having a throughhole adapted to receive a lock (padlock) to maintain the latch in a closed position.” Thus, Applicant submits that claim 3 clearly distinguishes patentably over the only references applied thereagainst (Bourne and Tweedy).

Claim 4, as amended, calls for a lock structure to be fixedly connected to a door and extending therefrom at a location offset relative to a latch. The locking structure has a throughhole for receiving a lock for limiting movement of the latch. When the lock is received in the throughhole, movement of the latch is prevented by the lock engaging the latch and preventing movement thereby. Applicant submits that the references of record, alone or in combination, fail to disclose or fairly suggest such an arrangement. In particular, Tweedy fails to disclose a locking structure fixedly connected to a door and extending therefrom at a location offset relative to a latch and, more particularly, a locking structure having a throughhole for receiving a lock. Moreover, Tweedy fails to disclose a lock that prevents movement of a latch by engaging the latch (In Tweedy, lock cylinder 45 engages trigger 33, not lever latch handle 24). Worley fails in that it does not disclose a locking structure fixedly connected to a door or extending therefrom at a location offset relative to a latch. Rather, Worley discloses a latch 23 having a tab portion 29 forming an integral part of the latch that is pivotally mounted to a door 15.

Accordingly, for at least these reasons, it is respectfully submitted that claim 4 distinguishes patentably over the references of record.

Claim 5, as amended, calls for a locking device adjacent a latch wherein the locking device directly obstructs movement of the latch from the latch closed position to the latch open position when the locking device is enabled and allows the latch to move from the latch closed position toward the latch open position when the locking device is disabled. Previously presented claim 5 was rejected over the combination of Bourne and Tweedy. Tweedy discloses a lever latch 21 including a handle 24, a trigger 33 and a lock cylinder 45. When in a locked position, the lock cylinder 45 prevents movement of the trigger 33. With the trigger 33 prevented from moving, the trigger 33 functions to limit movement of the handle 24. The lock cylinder, however, does not directly obstruct movement of the latch. Rather, the lock cylinder 45 directly obstructs only the trigger 33 and the trigger directly obstructs movement of the handle 24.

Accordingly, for at least this reason, Applicant submits that claim 5 and claims 6-11 dependent therefrom distinguish patentably over the references of record.

Claim 29, which has been placed in independent form, continues to call for a locking device to include a tab extending upwardly on the door adjacent a latch assembly, a hole defined through the tab, and a lock received through the hole. Applying a suspect triple-combination of references, the Examiner states:

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the channel latch for a door and latch assembly, as disclosed by Bourne, by using the pivot latch mounted on a door, as taught by Tweedy, in order to obtain a latch for a door within a door frame that is easy to install and operate, and by further including a locking device [sic, that] includes a tab extending upwardly from the door and having a throughhole adapted to receive a lock (padlock) to maintain the latch in a closed position, as disclosed by Worley, Jr. et al., in order to prevent the latch from being rotated out of a latching position.

Office Action at 4.

Applicant respectfully submits that the Examiner's collective application of Bourne, Tweedy and Worley fails to disclose or fairly suggest the door and latch assembly called for in claim 29. Specifically, claim 29 calls for a tab extending upwardly on a door adjacent a

latch assembly. The Examiner's tenuous application of Worley requires tab 29, which forms an integral part of door latch 23, to be adjacent itself. In other words, the Examiner's use of Worley calls for Worley's latch tab 29 to be the tab called for in claim 29. The tab of claim 29, however, is required to be adjacent a latch assembly (i.e., not being a part of or formed integrally with the latch assembly). It is inconceivable how the latch tab 29 can be adjacent itself, since tab 29 forms an integral part of the door latch 23 in Worley.

Accordingly, for at least this reason, Applicant submits that claim 29 and claims 30-36 dependent therefrom distinguish patentably over the references of record.

Claim 37, as amended, calls for a latch assembly including a latch, a latch trigger and a locking device for selectively and directly blocking movement of the latch from the latch closed position to the latch open position. Previously presented claim 37 was rejected by the Examiner over Bourne and Tweedy. In Tweedy, the lock cylinder 45 includes a pawl 37 that, when in position, blocks movement of a pivot trigger 33 which, in turn, blocks movement of lever latch handle 24. The lock cylinder 45 and its pawl 37 do not selectively and directly block movement of the lever latch handle 24, as required by claim 37. Rather, they only directly block movement of pivot trigger 33.

Accordingly, for at least this reason, Applicant submits that claim 37 and claims 38-43 dependent therefrom distinguish patentably over the references of record.

Dependent **claim 43** calls for the locking device of claim 37 to include a tab defining a throughhole located adjacent a latch. The Examiner adds Worley to attempt to overcome the additional limitations presented in claim 43. However, as already discussed herein, Worley discloses a door latch 23 having a tab portion 29 that has an eye 43 therethrough for receiving an arm or shackle 44 of a lock 45. This arrangement fails to disclose or fairly suggest what is required by claim 43. Specifically, claim 43 requires a locking device including a tab adjacent a latch, not integrally formed as part of the latch. Thus, Applicant asserts that claim 43 further distinguishes patentably over the references of record for this reason.

CONCLUSION

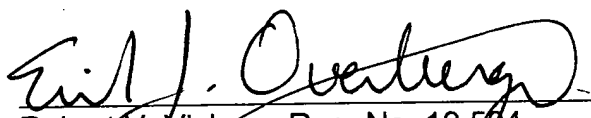
All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching

attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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June 29, 2005
Date

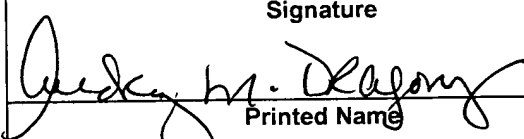

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